

**From:** [Dorka, Lilian](#)  
**To:** [Johnston, Tom](#)  
**Cc:** [Sibley, Shawn S](#); [Martinez, Brittany](#); [Covington, Jeryl](#); [Biffl, Betsy](#); [Stein, Jonathan](#); [Rhodes, Julia](#); [Temple, Kurt](#)  
**Subject:** Re: EPA File No.: 13R-16-R4  
**Date:** Wednesday, August 31, 2016 10:50:54 AM  
**Attachments:** [image004.png](#)  
[image001.png](#)

---

Thanks so much Tom, appreciate your assistance. Lilian

---

**From:** Johnston, Tom  
**Sent:** Wednesday, August 31, 2016 10:40 AM  
**To:** Dorka, Lilian  
**Cc:** Sibley, Shawn S  
**Subject:** RE: EPA File No.: 13R-16-R4

Lilian:

Sorry for the delay in responding. We are finalizing our responses to the questions discussed during the August 5<sup>th</sup> conference call and will get those to you before the end of this week, if not sooner. I will notify you as soon as our responses are complete. Please call if you have any questions. Thanks.

Thomas L. Johnston  
General Counsel



Alabama Department of Environmental Management  
Post Office Box 301463  
Montgomery, Alabama 36130-1463  
(334) 271-7855  
[tlj@adem.state.al.us](mailto:tlj@adem.state.al.us)

---

**From:** Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]  
**Sent:** Wednesday, August 31, 2016 9:13 AM  
**To:** Johnston, Tom  
**Cc:** Sibley, Shawn S; Rhodes, Julia; Biffl, Betsy; Martinez, Brittany; Stein, Jonathan; Temple, Kurt; Lapierre, Kenneth; HALIM-CHESTNUT, NAIMA; Tommelleo, Nancy  
**Subject:** Re: EPA File No.: 13R-16-R4  
Hello Tom, just wanted to check in to see when we can expect your response to the additional questions we raised during our August 5th conversation. Thanks very much! Lilian

---

**From:** Dorka, Lilian  
**Sent:** Friday, August 26, 2016 10:35 AM  
**To:** Johnston, Tom  
**Cc:** Sibley, Shawn S; Rhodes, Julia; Biffl, Betsy; Martinez, Brittany; Stein, Jonathan; Temple,

Kurt; Lapierre, Kenneth; HALIM-CHESTNUT, NAIMA; Tommelleo, Nancy

**Subject:** RE: EPA File No.: 13R-16-R4

Hello Tom, also meant to ask, with respect to the questions OCR asked during our August 5<sup>th</sup> call about the other ADEM cases, can we expect a response in the coming week? Thanks very much. Lilian

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

---

**From:** Dorka, Lilian

**Sent:** Thursday, August 25, 2016 7:08 PM

**To:** 'Johnston, Tom' <[TLJ@adem.alabama.gov](mailto:TLJ@adem.alabama.gov)>

**Cc:** Sibley, Shawn S <[SSibley@adem.alabama.gov](mailto:SSibley@adem.alabama.gov)>; Rhodes, Julia <[Rhodes.Julia@epa.gov](mailto:Rhodes.Julia@epa.gov)>;

Biffel, Betsy <[Biffel.Betsy@epa.gov](mailto:Biffel.Betsy@epa.gov)>; Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>; Stein,

Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>

**Subject:** RE: EPA File No.: 13R-16-R4

Thanks very much Tom!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

---

**From:** Johnston, Tom [<mailto:TLJ@adem.alabama.gov>]

**Sent:** Thursday, August 25, 2016 12:43 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Martinez, Brittany <[Martinez.Brittany@epa.gov](mailto:Martinez.Brittany@epa.gov)>;

Stein, Jonathan <[Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov)>; Lofthouse, Jeremy <[Lofthouse.Jeremy@epa.gov](mailto:Lofthouse.Jeremy@epa.gov)>

**Cc:** Sibley, Shawn S <[SSibley@adem.alabama.gov](mailto:SSibley@adem.alabama.gov)>

**Subject:** EPA File No.: 13R-16-R4

Lillian:

As requested, please find attached the final Order of the Alabama Environmental Management Commission (AEMC) and the hearing transcript in the Dothan Landfill permit appeal, EMC Docket No. 16-01. The Commission's Order, dated August 19, 2016, adopted the Hearing Officer's Recommendation on ADEM's Suggestion of Mootness, and dismissed the appeal as "moot."

This constitutes the final action in this matter. Although § 22-22A-7(c)(6), Code of Alabama (1975), as amended, provides for an appeal to Circuit Court within thirty days of the AEMC decision, in this case Petitioners did not file objections to the Hearing Officer's report pursuant to ADEM Admin. Code r. 335-2-1-.28(1), nor did they request oral argument before the AEMC pursuant to ADEM Admin. Code r. 335-2-1-.28(3). Having failed to exhaust their administrative remedies before the AEMC, Petitioners will be unable to perfect an appeal to Circuit Court.

Accordingly, the dismissal of the Dothan permit appeal is now final. Likewise, Complaint No.

13R-16-R4 is due to be dismissed.

Thomas L. Johnston

General Counsel



Alabama Department of Environmental Management

Post Office Box 301463

Montgomery, Alabama 36130-1463

(334) 271-7855

[tlj@adem.state.al.us](mailto:tlj@adem.state.al.us)

Copy: Jonathan Stein

Brittany Martinez

Jeremy Lofthouse